

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**Rafael Lopez Arvelaiz,**

Petitioner,

Case No. : 1:25-cv-00452-MIS-GBW

v.

**Kristi Noem**, Secretary of the Department of Homeland Security; **Pamela Bondi**, Attorney General of the U.S.; **Todd M. Lyons**, Acting Director U.S. Immigration and Customs Enforcement; and, **Mary De Anda-Ybarra**, ICE Field Office Director for the El Paso Field Office,

Respondents,

/

**UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE**

**COMES NOW** Petitioner, Rafael Lopez Arvelaiz (hereinafter “Petitioner”), by and through the undersigned counsel, and, in accordance with Rule 41(a)(2) and Rule 81(a)(4) of the Federal Rules of Civil Procedure, hereby files this Unopposed Motion to Dismiss Without Prejudice.

In support thereof, Petitioner states as follows:

1. This action began when Petitioner filed a Writ of Habeas Corpus on May 13, 2025.
2. The instant action sought this Court’s assistance relating to Petitioner’s detention by Respondents.
3. On July 18, 2025, the Immigration Judge granted Petitioner’s Joint Motion to Withdraw Application for Admission, therefore, allowing Petitioner to remain in DHS custody pending departure.
4. Petitioner request to dismiss this action, without prejudice, is in the best interests of justice.
5. Defendants do not oppose this Motion.

**WHEREFORE**, Petitioner respectfully requests that this Court enter an order dismissing this action, without prejudice, in accordance with Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Dated: September 5, 2025

Respectfully submitted,

s/ Francisco F. Symphorien-Saavedra s/  
Francisco F. Symphorien-Saavedra, Esquire  
Board Certified Specialist  
Florida Bar No. 0051614  
Symphorien-Saavedra Law, P.A.  
P.O. Box 1627  
Orlando, FL 32802  
Phone: (407)802-1717  
Frank@symphorienlaw.com  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I, Francisco "Frank" Symphorien-Saavedra, hereby certify that on September 5, 2025, I electronically filed the foregoing UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE with the Clerk of Court by using the CM/ECF system, which serves all parties with a copy electronically.

s/ Francisco F. Symphorien-Saavedra s/

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Board Certified Specialist  
Florida Bar No. 0051614  
Symphorien-Saavedra Law, P.A.  
P.O. Box 1627 Orlando, FL 32802  
Phone: (407)802-1717  
[Frank@symporienlaw.com](mailto:Frank@symporienlaw.com)  
Attorney for Petitioner

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of Homeland Security; **Pamela Bondi**,  
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Acting Director U.S. Immigration and Customs  
Enforcement; and, **Mary De Anda-Ybarra**,  
ICE Field Office Director for the El Paso Field  
Office,

Respondents,

/

**[PROPOSED] ORDER OF DISMISSAL WITHOUT PREJUDICE**

THIS MATTER is before the Court on Petitioner's Unopposed Motion to Dismiss Without Prejudice. ECF No. \_\_\_\_\_. Having considered Petitioner's Motion and lack of opposition, the record, and the relevant law, the Court will GRANT the Motion.

**IT IS THEREFORE ORDERED** that Petitioner's unopposed Motion is GRANTED. The instant action is dismissed without prejudice.

**IT IS SO ORDERED.**

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**MARGARET STRICKLAND**  
UNITED STATES DISTRICT JUDGE